



Legislation Text

File #: 14-0061, **Version:** 1

Recommendation to authorize City Attorney to pay sum of \$380,000 in full settlement of lawsuit entitled *Perry Grays, v. City of Long Beach, et al.*; and to pay sum of \$50,000 in full settlement of lawsuit entitled *Christina Leyva, et al., v. City of Long Beach, et al.*

Long Beach Police officers responded to a noise complaint on February 6, 2011.

Force was used during an encounter with plaintiff. Plaintiff sued, alleging constitutional violations.

The matter could not be resolved, and was tried on October 29, 2013. The jury found in favor of Plaintiff and awarded him \$140,000 in damages; plaintiff's attorneys' also sought \$301,000 in fees, for a total award of \$441,000.

The City Attorney's Office prepared post-trial motions and preserved the City's right to appeal; the parties, however, were able to negotiate a tentative settlement of the entire matter for \$380,000.00, inclusive of attorney's fees and costs.

The Economic Development and Finance Committee approved the proposed settlement on January 7, 2014; and

Long Beach Police officers responded to an incomplete 911 call on December 31, 2007. Officers encountered a domestic dispute among the family members and arrested some of the family members.

Five plaintiffs sued the City alleging constitutional violations. In June of 2012, the City Attorney's Office tried the case. The jury returned a verdict in favor of the City on two claims, but the jury hung (in the City's favor) on the remaining claim.

The court scheduled a second trial on the excessive force claim to begin on December 10, 2013. As that date approached, and after extensive negotiations, the parties reached a tentative settlement of the entire action for \$50,000.00, inclusive of attorney's fees and costs.

The Economic Development and Finance Committee approved the proposed settlement on January 7, 2014.

Approve recommendation.

CHARLES PARKIN
CITY ATTORNEY

BY: HOWARD D. RUSSELL
DEPUTY CITY ATTORNEY